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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,217	04/08/2004	Troy K. Hopper	DRYA,002-03	9416

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Mark R. Wisner  
WISNER & ASSOCIATES  
Suite 400  
1177 West Loop South  
Houston, TX 77027-9012

EXAMINER

GILMAN, ALEXANDER

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/821,217

Applicant(s)

HOPPER, TROY K.

Examiner

Alexander D. Gilman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/21/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by MacDonald.

With regard to claim 1, MacDonald (US 2,849,518) disclose a seal fitting comprising:

a shell (2) ;

means retained to said shell (11) for clamping a lead wire (the lead wire should inherently be retained in the shell mechanically by gripping or clamping, since soldering is considered an electrical connection, not a mechanical one. Without retaining the lead wire in the shell, soldering would be damaged) ;

a ceramic disk (12) retained in said shell in spaced relationship to sensor wire clamping means;

a male conductive pin (13); .

a sleeve (1) engaged to said shell with the ceramic disk interposed between said sleeve and said wire clamping means;

a female conductive pin (28) extending through said sleeve and into electrical

contact with said male conductive pin when said sleeve is engaged to said shell;

and means for clamping a lead wire being in electrical contact with said female conductive pin (at 29).

With regard to claim 7, MacDonald disclose (Fig. 2) that said ceramic disk and said wire clamping means are located at opposite ends of said shell.

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Claims 1, 6, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chamberland et al.

With regard to claim 1, Chamberland et al (US 4,690,482) disclose a seal fitting comprising:

a shell (26) ;

means (34, 36) retained to said shell for clamping a lead wire;

a ceramic disk (30) retained in said shell in spaced relationship to sensor wire clamping means;

a male conductive pin (28); .

a sleeve (the forward portion of 26 with holes 26a) engaged to said shell with the ceramic disk

interposed between said sleeve and said wire clamping means;

a female conductive pin (42) extending through said sleeve and into electrical

contact with said male conductive pin when said sleeve is engaged to said shell;

and means (34, 36) in electrical contact with said female conductive pin for clamping a

lead wire.

With regard to claim 6, Chamberland et al disclose (Fig. 8) a body (52) for engaging a

bulkhead, said shell being provided with a groove (56) for receiving an O-ring therein for sealing against said body.

With regard to claim 7, Chamberland et al disclose (Fig. 1) that said ceramic disk and said wire clamping means are located at opposite ends of said shell.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2, 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberland et al in view of Gribble et al .

With regard to claims 2, 3, Chamberland et al do not disclose the wire clamping means comprising a clamping tab biased away from a receptacle for receiving the lead wire and a cap screw for tightening said clamping tab against the lead wire when the lead wire is received within the receptacle.

Gribble (US 3,015,084) disclose the wire clamping means comprising a clamping tab biased away from a receptacle for receiving the lead wire and a cap screw for tightening said clamping tab against the lead wire when the lead wire is received within the receptacle

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Chamberland device with the structure, as taught by Gribble, to to replace the non-separable (soldering) connection of the wire with with the dependable easily removable connection.

With regard to claim 5, Chamberland et al when modified disclose (Gribble ) that the clamping tab (24) is provided with a prong (22) extending into the receptacle for receiving the wire.

***.Allowable Subject Matter***

Claim 4 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter. Specifically, none of the prior art of record discloses the combination of the limitations presented

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including the spring being confined by a threaded tab, said cap screw being threaded through said threaded tab.

### ***Response to Arguments***

Applicant's arguments filed 3/30/2006 have been fully considered but they are not persuasive.

Applicant argues that elements 34 and 36 in Chamberland et al cannot be interpreted as means for clamping since they just surround the conductor 18. However, according to The Heritage Dictionary, 4<sup>th</sup> Ed. "clamp" means any of various devices used to join, grip, support, or compress mechanical or structural parts. Since elements 34, 36 at least join, support the conductors, the rejection deems to be correct. Soldering could not preserve a mechanical integrity of the connection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is generally known two basic types of wire connection - non-separable (soldering) and separable. Replacing non-separable connection with separable one requires the knowledge generally available to one of ordinary skill in the art. Reasons for replacement of the non-separable connection with separable one are related to dependability of the mechanical connection providing an uniform pressure for connection, manufacturing preferences, maintenance and repair needs.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

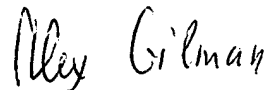
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D. Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/06/2006

A handwritten signature in black ink that reads "Alex Gilman". The signature is written in a cursive, slightly slanted style.

**ALEXANDER GILMAN  
PRIMARY EXAMINER**